

Otten, Matthew

From: Steve Ohlenkamp <steveo@tcgnet.net>
Sent: Monday, January 22, 2018 4:29 PM
To: MacCready, Paul; Otten, Matthew
Cc: Dorsey, Brian; Countryman, Ryan; Dobesh, Michael; McCrary, Mike; Mock, Barb; Rowe, Tom; Gary Huff; Doug Luetjen; Dave Somers; Isenberg, Marcia; Parks, Eric
Subject: Re: January 19, 2018 letter

I am writing to respond to the attached letter that is signed by you and likely written by Matt. Near the end of the letter, you state that "Since BSRE submitted its application materials several years ago, PDS has worked cooperatively and in good faith with BSRE in the application submittal and review process, and will continue to do so." In general I'd agree with that statement but we've had some communication issues along the way.

Over the past 6-8 months, we've had several meetings where we've worked together to improve communications and to move forward in the DEIS/EIS process. The BSRE team has appreciated the time and effort provided by PDS and the PA. We were especially encouraged by our meeting with the PDS team and Matt on November 13, 2017 in Barb Mock's office -- we left with what we felt were clear directions on how to proceed in our response to the 300+ page October 6, 2017 "comment letter" and how to deal with an extension on the June 30, 2018 deadline.

The January 9, 2018 from you (and Matt) came as a complete surprise to me in both content and tone...obviously we were not all "on the same page" after all. Something seems to have changed in the view of PDS regarding our effort to work together and communicate better. Over the past two weeks, there has been an exchange of letters that seems to be making matters worse rather than better. We would hope that we can all find a way to get back to our cooperative working relationship.

The attached January 19, 2018 letter includes a section stating "The timeline below represents a more comprehensive illustration of the permit application history." Anyone not involved in the long-lasting process could look at the list of extensions and letters and get the wrong impression that the BSRE team has not been actively working to finish the application process. A more comprehensive review of the Point Wells saga should list some of the time-consuming challenges we all faced along the way, here's a partial list:

- First of all, prior to 2011, PDS staff worked for a significant period of time to create the Urban Center Code, which was followed by multiple legislative changes by the Snohomish County Council.
- Woodway and Shoreline challenged the county's actions at the Growth Management Hearings Board.
- Woodway went to the state legislature and attempted to pass a law to give them the authority to force BSRE to annex into Woodway.
- Woodway and Shoreline fought Snohomish County's vesting authority at King County Superior Court. Following a reversal of their "win" by the state court of appeals, Woodway appealed to the state supreme court and lost.
- Snohomish County also created the Urban Village code.
- The Urban Center code required BSRE to attempt to work out an agreement with both Woodway and Shoreline to gain their support for the Point Wells development. The BSRE team worked with both of them for years (and is still trying to work with them) eventually signing an ILA with Shoreline which included an extensive and expensive process regarding traffic volume and impacts which resulted in 6 public meetings over several months to gain input from the community.
- Woodway and Shoreline continue to push for annexation into their individual jurisdictions.

I don't want to get into a "he said vs. he said" that's been reflected in the recent dueling letters but I have to make two points regarding our November 13, 2017 meeting: first, a verbal exchange between Mike McCrary and Michael Dobesh made it clear that the January 8, 2018 date was NOT a code required deadline but more of a goal based on the time PDS needed to meet the June 30, 2018 deadline...they also said that BSRE didn't need to request an extension of that date but only needed to inform PDS of the need for more time; secondly, we discussed the county's preference to receive a complete resubmittal and not partial responses -- I confirmed this in subsequent discussions with Mike McCrary who suggested that we send a single, final resubmittal and embed our responses into the county's comment letter (with references to reports included) so that nothing fell through the cracks.

Finally, your letter states "Thus, two and on half months after the October 6, 2017 Review Completion Letter, you failed to deliver even a proposed date by which you would provide the application resubmittal let alone substantive application materials responsive to the Review Completion Letter." As we demonstrated, it was not possible to complete the resubmittal within the three months requested by PDS to a Review Completion Letter (RCL) that took six months to write!

Frankly, it took us a couple of weeks to get over the shock of receiving a 300+ page RCL and to distribute it to members of our consulting team. Next, the team worked to determine what needed to be accomplished and who needed to do the work -- the matrix we shared at the November 13, 2017 meeting was the result. Once we thought we had agreement that day on how to move forward, the various consultants worked on scope, timing and budget which we were able to send to the client in Israel by mid-December. The holidays of Thanksgiving, Chanukah and Christmas complicated our efforts.

On December 28, 2018 we received approval to move ahead with the nearly \$500,000 of work required to prepare a complete resubmittal. We then sent our letter to you on December 29. We could not give a specific date yet because of scheduling and signing of contracts issues. We were determined to give you an accurate date because of PDS commitments to make staff available to do a timely review and we respect your staffing resource challenges. We have since confirmed an April 30, 2018 resubmittal date and requested the extension to the June 30, 2018 deadline.

In closing, I'd like to ask folks to not lose sight of the long term benefits of the Point Wells development to Snohomish County and the region. The development will enable the termination of active petroleum operations on the shore of Puget Sound, support the clean up of site contamination which occurred during 100 years of those operations, provide public access to three quarters of a mile of beach and the 1,000 foot long dock. The building of infrastructure and housing for thousands of residents will create substantial economic development for the area and millions of dollars in real estate tax, sales tax, etc. for the county.

We need the requested extension to the June 30, 2018 deadline to make this project a reality.

On Fri, Jan 19, 2018 at 4:47 PM, MacCready, Paul <Paul.MacCready@co.snohomish.wa.us> wrote:

Paul MacCready | Principal Planner

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